

reasonable, but that others are frivolous or punitive in nature, especially since the current state of affairs encourages drawn-out litigation by providing no "down-side" penalties to those seeking to interfere with broadcasters' legitimate rights in siting their facilities. To reduce this type of objectionable activity, these commenters propose that rules be adopted to allow for enforcement of the following measures:

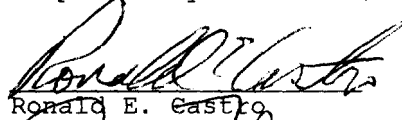
- b) "Loser Pays" rules that require full payment of legal defense fees, expert witness fees, court costs and interest for any unsuccessful challenge to a proposed facility.
- c) Award of liquidated and actual damages to broadcasters whose projects have been delayed in any way, in the amount of proven losses, or in no event less than the sum of \$1,000 for each day of delay.
- d) Depriving state and local government employees and officials of "shield law" or blanket indemnity protections where their reckless or negligent actions cause damage.
- e) Award of triple damages and/or other punitive or exemplary damages in the event of malicious or vexatious prosecution against a broadcaster.
- f) Losing parties, including government entities, should be held jointly and severally liable for prompt payment of judgments.
- g) Existing FCC rules regarding "intentional, harmful interference" should be expanded to include malicious legal actions, giving the Commission or the Department of Justice power to take direct action against vexatious litigants, public or private.

VII. Conclusion

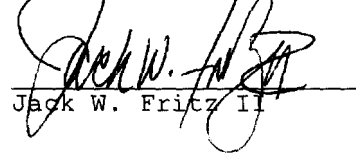
The commenters have clearly demonstrated that the public good done by FM broadcasters has been, and will continue to be frustrated by politically motivated state and local public officials, armed with draconian ordinances that stand in open and notorious contravention to federal telecommunications policy, as well as the spirit and letter of many of the FCC's rules regarding siting of FM towers. The incidence of such regulation is growing exponentially, but only the "tip of the tip of the iceberg" has yet been seen. Unscrupulous and self-serving individuals are now able to rob the community at large of valuable broadcast services by cloaking themselves as environmentalists or "concerned citizens", and they are being aided and abetted by local officials, ensconced in an plethora of overlapping, uncoordinated, conflicting instrumentalities that have no reason or incentive to carry out the policies of the FCC. Little or no consideration is given to the value of, or the public demand for radio broadcast services, much less the paramount federal communications policies, and decisions are ultimately made by people who have no technical expertise, and without a valid examination of economic impact on individual stations. Therefore, the FCC *must* mandate compliance with federal telecommunications policy by exercising its preemptive power in a comprehensive and unequivocal manner to end the current abusive state of affairs. Setting reasonable guidelines and time-tables that can be decided and enforced quickly through private arbitration, while maintaining local governments' legitimate interest in certain narrowly-defined regulatory areas, is recommended by these commenters.

The playing field with local and state bureaucracies must be leveled for all broadcasters, including FM radio broadcasters. If decisive action is not taken in the very near future, irreparable harm will come to both individual stations, and to the industry as a whole.

Respectfully Submitted,



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October 24, 1997

VIII. Appendix

Sonoma County Ordinance No. 4973

ORDINANCE NO. 4973

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE RELATIVE TO TELECOMMUNICATION FACILITIES SUCH AS TELEVISION AND RADIO BROADCASTING, LAND-MOBILE, CELLULAR TELEPHONE, MICROWAVE, PERSONAL COMMUNICATION, AND OTHER RELATED FACILITIES AND REPEALING ORDINANCES NO. 4829, 4834, and 4899 ADOPTED ON AN URGENCY BASIS.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. The Board finds that the adoption of this Ordinance is necessary to protect the public health, safety, and welfare. The Board further finds and declares that the basis for this finding is as follows:

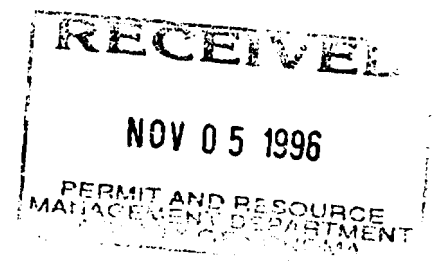
A. The demand for wireless telecommunication services has resulted in demand to locate commercial radio, telephone, and other telecommunication facilities in the county. This demand has been increasing and is expected to continue to increase in future years.

B. Sonoma County recognizes the public need for telecommunication facilities in the county, but desires to ensure that they are sited and designed in a manner that promotes efficient use of land resources, achieves aesthetic and other community values, prevents safety hazards, externalities and incompatibility between land uses, and complies with the provisions of the General Plan and the Zoning Ordinance. To that end, the Board wishes to exercise the regulatory authority permitted by law over the siting and design of such facilities within the county.

C. Sonoma County has a strong concern that telecommunication facilities may not be appropriate uses in residential areas because of the aesthetic, safety, compatibility, and other conflicts that arise when these facilities are located in close proximity to residential uses.

D. Sonoma County also recognizes the need to assist in meeting the demand for telecommunication facilities by establishing permitting procedures which are streamlined and efficient, but which do not undermine the ability of the County to protect the public interest in maintaining neighborhood land use compatibility, scenic quality, health and safety, and other aspects of the quality of life of Sonoma County residents.

E. While recognizing the need and demand for a variety of telecommunication services in the future, Sonoma County desires to encourage the development of smaller facilities which can more readily blend in with local surroundings and facilities which are attached to and designed in harmony with other buildings and structures and to discourage proliferation of larger free-standing facilities which are more likely to detract from the quality of the County's scenic resources, tourism, agricultural industry, and quality of life. To accomplish this goal, the County is providing for administrative review of smaller telecommunication facilities as an incentive to avoid proliferation of larger facilities.



F. Sonoma County recognizes the role played by all members of the telecommunication industry and community in providing critical emergency service assistance to the residents, businesses, and local agencies of the County. Of particular note is the contribution of the amateur radio community which is able to greatly enhance communication efforts during emergencies.

SECTION II. Section 26-02-140 (Definitions) of Chapter 26 of the Sonoma County Code is hereby amended as follows:

a) Section 26-02-140 (Definitions) is amended to revise the definition of "public service use or facility" to read as follows:

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, utilities, hospitals, or other public service uses.

(b) Section 26-02-140 (Definitions) is amended to add the following definitions pertaining to telecommunication facilities to read as follows:

"Antenna" means the transmitting and/or receiving device, including wires, rods, discs, or similar devices, that transmits or receives electromagnetic signals.

"Antenna, vertical" means a vertical type antenna with no horizontal components other than a small radial element at its base.

"Attached Commercial Telecommunication Facility" means a Commercial Telecommunication antenna which is affixed, fastened, or joined to a residence, business, or similar structure other than another telecommunication facility, and which does not include a tower.

"Co-located Telecommunication Facility" means a telecommunication facility which is comprised of a single tower containing a combination of antennas owned or operated by more than one public or private entity.

"Free-standing Commercial Telecommunication Facility" means a telecommunication facility which is operated in whole or part for commercial purposes such as mobile radio services, cellular telephone services, tv and radio broadcast, personal communication services, but which is not affixed, fastened, or joined to a residence, business, or similar structure. A facility which includes an antenna(s) placed upon a tower which is attached to a structure is considered to be a Free-standing facility. Telecommunication facilities operated in whole or part by public agencies are included in this category. However, a telecommunication facility installed by a public utility for the sole purpose of monitoring and protecting its gas and electric facilities shall not be considered a telecommunication facility and shall be exempt from the telecommunication facility standards of this ordinance.

Major Facility: Such facility which involves a combination of towers and antennas greater than 130' in height.

Intermediate Facility: Such facility which involves a combination of towers and antennas greater than 40' and less than or equal to 130' in height.

Minor Facility: Such facility which involves a combination of towers and antennas less than or equal to 40' in height.

"Multiple-user Telecommunication Facility" means a telecommunication facility which is comprised of multiple towers containing a combination of antennas owned or operated by more than one public or private entity.

"Non-Commercial Telecommunication Facility" means a telecommunication facility which is operated solely for personal use and not for commercial purposes.

"Roof" means the exterior surface on the top of a building or structure, as shown in the accompanying illustration.

"Silhouette" means a calculation of the exposed surface area of the towers and antennas associated with a telecommunication facility, as seen from an elevation perspective, as shown in the accompanying illustration.

"Structure Ridgeline" means the long, narrow crest at the top of the juncture of two or more surfaces making up the roof of a building or structure, as shown in the accompanying illustration.

"Tower" means the support structure, including guyed, monopole and lattice types, upon which antennas are located as part of a telecommunication facility. Tower does not include mounting brackets or similar devices utilized to attach an antenna directly onto the roof or side of a building.

"Telecommunication Facility" means a facility that sends and/or receives electromagnetic signals, including antennas and towers to support receiving and/or transmitting devices along with accessory structures, and the land on which they are all situated.

SECTION III. Sections 26-04 (LIA), 26-06 (LEA), 26-08 and (DA) 26-10 of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added to read as shown below. Where necessary, subsequent sections are renumbered accordingly. Section 26-04-010 (i) (10), (11), and (12) [LIA]; Section 26-06-010 (i) (10), (11), and (12) [LEA]; and Section 26-08-010 (i) (10), (11), and (12) [DA].

(10) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(11) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(12) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) The following sections are added or revised (and subsequent sections renumbered) to read as shown below. Section 26-04-020 (n) (6), (7), and (8) [LIA]; Section 26-06-020 (n) (9), (10), and (11) [LEA]; Section 26-08-020 (n), (9), (10), and (11) [DA].

(6 or 9) "Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law;

(7 or 10) Intermediate and Major Free-standing Commercial Telecommunication Facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130

(8 or 11) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(c) The following sections are revised to read as shown below. Section 26-04-030 (d) [LIA]; Section 26-06-030 (d) [LEA]; Section 26-08-030 (d) [DA].

(d) Maximum Building Height.

(1) Thirty-five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION IV. Sections 26-10 (RRD), 26-12 (RRDWA), 26-14 (TP) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added to read as shown below. Section 26-10-010 (z), (aa), and (bb) [RRD]; Section 26-12-010 (y), (z), and (aa) [RRDWA]; Section 26-14-010 (p), (q), and (r) [TP].

(z or y or p) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(aa or z or q) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal

pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(bb or aa or r) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) The following sections are added or revised (and subsequent sections renumbered) to read as shown below. Section 26-10-020 (aa) [RRD]; Section 26-12-020 (u) [RRDWA]; Section 26-14-020 (j) [TP].

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law;

(c) The following sections are added or revised (and subsequent sections renumbered) to read as shown below. Section 26-10-020 (w), and (x) [RRD]; Section 26-12-020 (q) and (r) [RRDWA]; Section 26-14-020 (k) and (l) [TP].

(w), (q), (k) Intermediate and Major Free-standing Commercial Telecommunication Facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(x), (r), (l) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) The following sections are revised to read as shown below. Section 26-10-030 (d) [RRD]; Section 26-12-030 (d) [RRDWA].

(d) Maximum Building Height:

(1) Thirty-five feet (35'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

(e) Subsection 26-14-010 (e) [TP] is amended to read as follows:

(e) The erection, construction, alteration or maintenance of gas, electric or water generating and transmission facilities, including necessary structures.

(f) New Section 26-14-020 (m) [TP] is added (and existing Section renumbered) to read as follows:

(m) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law;

SECTION V. Sections 26-16 (AR) and 26-18 (RR) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-16-010 (u), (v), and (w) [AR]; Section 26-18-010 (o), (p), and (q) [RR].

(u), (o) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(v), (p) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(w), (q) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) The following sections are amended to read as shown below. Section 26-16-020 (n) [AR]; Section 26-18-020 (j) [RR].

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-16-020 (u) and (v) [AR]; Section 26-18-020 (r) and (s) [RR].

(u), (r) Intermediate and Major Free-standing Commercial Telecommunication Facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(v), (s) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) The following sections are amended to read as shown below. Section 26-16-030 (c); Section 26-18-030 (c).

(c) Maximum Building Height.

(1) Thirty-five feet (35'); Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION VI. Sections 26-20 (R1), 26-22 (R2), and 26-24 (R3) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-20-010 (k), (l), and (m) [R1]; Section 26-22-010 (m), (n), and (o) [R2]; Section 26-24-010 (m), (n), and (o) [R3].

(k), (m), (m) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(l), (n), (n) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(m), (o), (o) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) The following sections are amended to read as shown below. Section 26-20-020 (g) [R1]; Section 26-22-020 (g) [R2]; Section 26-24-020 (g) [R3].

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-20-020 (m), and 0(n) [R1]; Section 26-22-020 (m) and (n) [R2]; Section 26-24-020 (n) and (o) [R3].

(m), (m), (n) Intermediate Free-standing Commercial Telecommunication Facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(n), (n), (o) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) Subsection (b) of Section 26-20-030 (R1) is amended to read as shown below:

(b) Maximum Building Height.

(1) Thirty-five feet (35') for the main building and fifteen feet (15') for accessory buildings, provided that additional height may be permitted if a use permit is first secured.,

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

(e) Subsection (b) of Section 26-22-030 (R2) is amended to read as shown below:

(b) Maximum Building Height:

(1) Thirty-five feet (35') for main structures; provided, that where an R2 district abuts an R1 or RR district, for each four feet (4') of building height in excess of fifteen feet (15') the side yard setback shall be increased by one foot (1'). In all cases, where the side yard abuts a north, northwesterly or northeasterly property line and the proposed main building exceeds fifteen feet (15') in height the applicant shall submit at the time of application evidence to show that the proposed building shall not cast a shadow greater than ten percent (10%) of the solar collection absorption area on the adjacent lot at any one time between the hours of 9:00 a.m. to 3:00 p.m. on December 21st local standard time (Ord. No. 3292).

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

(f) Subsection (b) of Section 26-24-030 (R3) is amended to read as shown below:

(b) Maximum Building Height.

(1) Thirty-five feet (35') or two (2) stories, whichever is less, provided, that no accessory structure shall be permitted to exceed one (1) story;

(2) Three (3) story construction, provided it does not exceed forty-five feet (45') in height, shall be permitted, subject to first securing a use permit;

(3) Where an R3 district abuts on an R1 or RR district, the height of any building within fifty feet (50') of the R1 or RR district shall not exceed one (1) story;

(4) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION VII. Section 26-26 (PC) of Chapter 26 of the Sonoma County Code is amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Sections 26-26-030 (g)(6), (g)(7), and (g)(8) [PC].

(g)(6) Attached Commercial Telecommunication Facilities subject to the applicable criteria for such facilities in the RR District set forth in Section 26-88-130.

(g)(7) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria for such facilities in the RR District set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(g)(8) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) The following sections are added (and existing sections renumbered) to read as follows: Section 26-26-030 (h)(2), (h)(3), and (h)(4) [PC].

(h)(2) Attached Commercial Telecommunication Facilities subject to the applicable criteria for such facilities in the R1 District set forth in Section 26-88-130.

(h)(3) Minor Free-standing Commercial Telecommunication Facilities, subject to the applicable criteria for such facilities in the R1 District set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(h)(4) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(c) The following sections are added (and existing sections renumbered) to read as follows: Section 26-26-030 (i)(1), (i)(2), and (i)(3) [PC].

(i) On lands designated as Limited Commercial, Limited Commercial-Traffic Sensitive, or General Commercial on the General Plan Land Use Map, the following additional uses:

(1) Attached Commercial Telecommunication Facilities subject to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130.

(2) Minor and Intermediate Free-standing Commercial Telecommunication Facilities fifty feet (50') or less in height subject to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(3) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(d) Subsection 26-26-040 (f) [PC] is amended to read as shown below:

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(e) The following sections are added to read as shown below: Sections 26-26-040 (e)(8) and (e)(9) [PC].

(e)(8) Intermediate Free-standing Commercial Telecommunication Facilities greater than fifty feet (50') subject at a minimum to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130.

(e)(9) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(f) Subsection 26-26-060 (c) [PC] is amended to read as shown below:

(c) Maximum Building Height.

(1) Thirty-five feet (35') subject to Section 26-26-060 (b)

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION VIII. Section 26-28 (CO) and 26-30 (C1) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-28-010 (h), (i), and (j) [CO]; Section 26-30-010 (l), (m), and (n) [C1].

(h), (l) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(i), (m) Minor and Intermediate Free-standing Commercial Telecommunication Facilities fifty feet (50') or less in height subject to the applicable criteria set forth in Section 26-88-130.

(j), (n) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130.

(b) The following sections are amended to read as shown below. Section 26-28-020 (f) [CO]; Section 26-30-020 (j) [C1].

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-28-020 (n) and (o) [CO]; Section 26-30-020 (s) and (t) [C1].

(n), (s) Intermediate Free-standing Commercial Telecommunication Facilities greater than fifty feet (50') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(o), (t) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) The following sections are amended to read as shown below. Section 26-28-030 (b) [CO]; Section 26-30-030 (b) [C1].

(b) Maximum Building Height:

(1) Thirty-five feet (35') provided, however, that additional height may be permitted subject to subsection (a) of this section.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION IX. Sections 26-32 (C2), 26-34 (C3), 26-36 (LC) 26-38(RC), 26-40 (AS), and 26-42 (K) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-32-010 (l), (m), (n), and (o) [C2]; Section 26-34-010 (y), (z), (aa), and (bb) [C3]; Section 26-36-010 (s), (t), (u), and (v) [LC]; Section 26-38-010 (g), (h), (i), and (j) [RC]; Section 26-40-010 (o), (p), (q), and (r) [AS]; Section 26-42-010 (m), (n), (o), and (p) [K]

(l), (y), (s), (g), (o), (m) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(m), (z), (t), (h), (p), (n) Minor and Intermediate Free-standing Commercial Telecommunication Facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130.

(n), (aa), (u), (i), (q), (o) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130.

(b) The following sections are amended to read as shown below. Section 26-32-020 (k) [C2]; Section 26-34-020 (u) [C3]; Section 26-36-020 (u) [LC]; Section 26-40-020 (j) [AS]; Section 26-42-020 (m) [K].

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-32-020 (t) and (u) [C2]; Section 26-34-020 (dd) and (ee) [C3]; Section 26-36-020 (dd) and (ee) [LC]; Section 26-40-020 (r) and (s) [AS]; Section 26-42-020 (w) and (x) [K].

(t), (dd), (r), (w) Intermediate and Major Free-standing Commercial Telecommunication Facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(u), (ee), (s), (x) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) The following sections are amended to read as shown below. Section 26-32-030 (b) [C2]; Section 26-34-030 (b) [C3]; Section 26-36-030 (b) [LC]; Section 26-38-030 (b) [RC]; Section 26-42-030 (b) [K].

(b) Maximum Building Height:

(1) Thirty-five feet (35') provided, however, that additional height may be permitted subject to subsection (a) of this section.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION X: Sections 26-44 (MP), 26-46 (M1), 26-48 (M2), and 26-50 (M3) of Chapter 26 of the Sonoma County Code are amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-44-010 (p), (q), and (r) [MP]; Section 26-46-010 (m), (n), and (o) [M1]; Section 26-48-010 (t), (u), and (v) [M2]; Section 26-50-010 (m), (n), and (o) [M3].

(p), (m), (t), (m) Attached Commercial Telecommunication Facilities subject to the applicable criteria set forth in Section 26-88-130.

(q), (n), (u), (n) Minor and Intermediate Free-standing Commercial Telecommunication Facilities eighty feet (80') or less in height, subject to the applicable criteria set forth in Section 26-88-130

(r), (o), (v), (o) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130.

(b) The following sections are amended to read as shown below. Section 26-44-010 (m) [MP]; Section 26-46-020 (j) [M1]; Section 26-48-020 (i) [M2]; Section 26-50-020 (k) [M3];

Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Section 26-44-020 (j) and (k) [MP]; Section 26-46-020 (t) and (u) [M1]; Section 26-48-020 (s) and (t) [M2]; Section 26-50-020 (v) and (w) [M3].

(j), (t), (s), (v) Intermediate and Major Free-standing Commercial Telecommunication Facilities greater than eighty (80') in height subject at a minimum to the criteria set forth in Section 26-88-130.

(k), (u), (t), (w) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(d) Section 26-44-030 (g) (MP) is amended to read as shown below:

(g) Building height, lot coverage:

(1) The maximum building height shall be sixty-five (65'); provided, however, that additional height may be permitted subject to subsection (a) of this section.

(2) A maximum of fifty percent (50%) lot coverage by building or structures shall be allowed provided that all landscaping and parking requirements are accommodated. Not less than twenty percent (20%) of each site shall be reserved for landscaping. Additional lot coverage may be permitted, subject to subsection (a) of this section.
(Ord. No. 3360)

(3) No building or structure shall exceed twenty-eight feet (28') in height at any building setback line. For each foot of setback interior to all building setback lines, an additional height of six inches (6") shall be permitted, but the total height shall not exceed sixty-five feet (65'), provided that additional height may be permitted subject to subsection (a) of this section.

(4) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

(e) The following Subsections are amended to read as shown below. Subsection 26-46-030 (b) [M1]; Subsection 26-48-030 (b) [M2]; Subsection 26-50-030 (b) [M3].

(b) Maximum Building Height:

(1) Sixty-five feet (65') provided that additional height may be permitted where special structures are required subject to Subsection (a) of this section.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION XI. Section 26-52 (PF) of Chapter 26 of the Sonoma County Code is amended as follows:

(a) The following sections are added (and existing sections renumbered) to read as shown below. Sections 26-52-030 (h), (i), and (j) [PF].

(h) Attached Commercial Telecommunication Facilities subject to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130.

(i) Minor Free-standing Commercial Telecommunication Facilities subject to the applicable criteria and procedures for such facilities set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility.

(j) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130.

(b) Section (f) of Section 26-52-040 (PF) is amended to read as shown below:

(f) Public utility buildings and public service or utility uses (telecommunication facilities excepted) including but not limited to electrical substations receiving more than one hundred thousand (100,000) volts, service yards, parking lots and sewage and waste water treatment storage and disposal facilities.

(c) The following sections are added (and existing sections renumbered) to read as shown below. Sections 26-52-040 (l), and (m) [PF].

(l) Intermediate and Major Freestanding Commercial Telecommunication Facilities subject at a minimum to the applicable criteria and procedures set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility.

(m) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130.

(e) Subsection (a) of Section 26-52-050 (PF) is amended to read as shown below:

(b) Maximum Building Height.

(1) Thirty-five feet (35') for the main building and fifteen feet (15') for accessory buildings, provided that additional height may be permitted if a use permit is first secured.

(2) Maximum height for telecommunication facilities is subject to the standard set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility.

SECTION XII. Section 26-64 (SR) of Chapter 26 of the Sonoma County Code is amended as follows:

(a) Subsection (a) of Section 26-64-020 [Community Separators and Scenic Landscape Units] is amended to read as shown below:

(a) All structures, except certain telecommunication facilities as provided in Section 26-64-040, located within community separators and scenic landscape units illustrated on Figures OS-5a through OS-5i, inclusive, of the general plan open space element and included within the SR district, shall be subject to the following criteria:

(1) Structures shall be sited below exposed ridgelines;

(2) Structures shall use natural landform and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire retardant plants may be required;

(3) Cuts and fills are discouraged and where practical, driveways are screened from public view; and

(4) Utilities are placed underground where economically practical.

The above criteria shall not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

In the event that compliance with these standards would make a parcel unbuildable, structures shall be sited where minimum visual impacts would result.

(b) Subsection (a) of Section 26-64-030 [Scenic Corridors] is amended to read as shown below:

(a) All structures located within scenic corridors established outside of the urban service area boundaries shown on Figures LU-5a through LU-5i, inclusive, of the general plan land use element shall be subject to the setbacks of thirty percent (30%) of the depth of the lot to a maximum of two hundred feet (200') from the centerline of the road. Development within the setback shall be prohibited with the following exceptions, where such uses are allowed by the base district with which this district is combined:

(1) New barns and similar agricultural support structures which are added to existing farm complexes provided that such structures proposed within a state scenic highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;

(2) New barns and similar agricultural support structures which do not require a use permit in this chapter, provided, however, that such structures proposed within a State Scenic Highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;

(3) Maintenance, restoration, reconstruction or minor expansion of existing structures.

(4) Certain telecommunication facilities as provided in Section 26-64-040

(5) Other new structures provided they are subject to design review and

(i) They are associated with existing structures.

(ii) There is no other reasonable location for the structure.

(iii) The location within the setback is necessary for the use, or

(iv) Existing vegetation and topography screen the use;

(6) Compliance with the setback would render the parcel unbuildable;

(7) Satellite dishes which are not visible from the roadway.

(c) Section 26-64-040 is added to read as shown below:

Section 26-64-040. Telecommunication Facilities in the SR District.

The following provisions shall apply to telecommunication facilities on properties in Community Separators, Scenic Landscape Units, and Scenic Corridors as shown on Figures OS-5a through OS-5i, inclusive, of the General Plan Open Space Element.

Telecommunication facilities which are allowed by the applicable base district shall meet the provisions of said base district and the applicable standards of Sections 26-64-020 or 030, except that:

(a) An Attached Commercial Telecommunication Facility shall also be subject to design review approval.

(b) A Non-commercial Telecommunication Facility shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts to the extent feasible. While cuts and fills are discouraged, they should be considered if, on balance, they enhance the overall scenic quality of the designated scenic resource area.

(c) A Free-standing Commercial Telecommunication Facility may be considered subject to the following additional criteria:

(1) the facility shall be subject to approval of a use permit.

(2) While cuts and fills are discouraged, they should be considered if they result in enhancement of the overall scenic quality of the designated scenic resource area.

(3) An alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of Section 26-88-130 (a) (2) (xiv).

(4) A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility and its feasible alternatives. Consideration shall be given to views from public areas as well as from private residences, but shall focus on preservation of scenic resources. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

SECTION XIII. Section 26-72 (MR) of Chapter 26 of the Sonoma County Code is amended as follows:

(a) The following sections are added to read as shown below. Sections 26-72-010 (j), (k), and (l) [MR].

(j) Attached Commercial Telecommunication Facilities subject to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130.

(k) Minor Freestanding Commercial Telecommunication Facilities that are consistent with any applicable mining and reclamation plan, and subject to the applicable criteria for such facilities in the CO District set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which written notice, including a site plan and one elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(l) Non-commercial Telecommunication Facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above Section.

(b) Subsection (j) of Section 26-72-020 [MR] is amended to read as shown below:

(j) Minor public utility buildings and public service or utility uses (transmission and distribution lines and telecommunication facilities excepted) including, but not limited to, reservoirs, storage tanks, pumping stations, telephone exchanges, small power and transformer stations, fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are otherwise exempt by state law;

(c) The following sections are added to read as shown below. Sections 26-72-020 (m), and (n) [MR].

(m) Intermediate and Major Free-standing Commercial Telecommunication Facilities subject at a minimum to the applicable criteria for such facilities in the C2 District set forth in Section 26-88-130 and provided that the proposed facility is consistent with any applicable mining and reclamation plans.

(n) Non-commercial Telecommunication Facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130 and provided that the proposed facility is consistent with any applicable mining and reclamation plans.

(d) Subsection (c) of Section 26-72-030 [MR] is amended to read as shown below:

(c) Maximum Building Height.

(1) Fifty feet (50'), provided that additional height may be permitted where special structures are required if a use permit or use permit waiver is first secured in each case.

(2) Maximum height for telecommunication facilities is subject to the provisions of this Article and Section 26-88-130.

SECTION XIV. Article 88 (General Use and Bulk Exceptions) of Chapter 26 of the Sonoma County Code is amended to add new Section 26-88-130 to read as follows:

Section 26-88-130. Telecommunication Facilities.

(a) The following are the minimum criteria applicable to Telecommunication Facilities. In the event that a project is subject to discretionary and/or environmental review, additional mitigation measures or other conditions may also be necessary.

(1) Except as noted, all Telecommunication Facilities shall comply with the following:

(i) any applicable easements or similar restrictions, including open space easements, on the subject property.

(ii) any applicable General Plan, Specific Plan, Area Plan, Local Area Development Guidelines, and the permit requirements of any agencies which have jurisdiction over the project.

(iii) the regulations of any applicable combining district.

(iv) The height of any free-standing facility shall include the height of any structure upon which it is placed.

→ (v) All setbacks shall be measured from the base of the tower closest to the applicable property line or structure.

(vi) The facility shall be operated so that it shall not result in human exposure to Nonionizing Electromagnetic Radiation (NIER) in excess of the levels specified in the most current standard governing human exposure to NIER utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant shall be responsible for demonstrating that the proposed facility will comply with this standard and may do so in any one of the following ways:

(A) Provide evidence in the form of an FCC license or construction permit that the FCC has accepted the applicant's certification that the facility meets the FCC standard.

(B) Provide evidence that the FCC has categorically excluded the applicant from demonstrating compliance with the FCC standard.

(C) Provide an independent analysis by or on behalf of the applicant which demonstrates that the facility will comply with the FCC standard by such calculations and measurements as may be necessary. The calculations, measurements, and all related methods utilized to determine compliance shall be consistent with FCC policies and procedures.

(vii) Replacement of aging, defective, or obsolete legally-established antennas or towers is permitted without new zoning permit or use permit approval, provided that such replacement does not increase the height or result in a substantial change in the appearance of the facility. Pursuant to Section 26-94-010 (b), a legal non-conforming facility may be expanded one time not to exceed ten percent (10%) of the total existing silhouette, subject to all other applicable requirements of the Sonoma County Code.

(viii) In the event that a proposed telecommunication facility does not meet the required standards or criteria for such facility in the applicable district, it may be considered as the next larger facility, subject to the criteria therefor. For example, a Minor Facility that exceeds the allowed silhouette limit may be considered as an Intermediate Facility requiring a use permit, or an Attached Facility that exceeds the allowed silhouette limit may be considered as a Minor Facility requiring a zoning permit.

(2) In addition to the standards of subsection (1) above, Attached Commercial Telecommunication Facilities shall meet, at a minimum, the following criteria:

(i) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.

(ii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.

(iii) Antennas shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.

(iv) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.

(v) Approval of all Commercial Facilities is subject to the decision-making body finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

(3) In addition to the standards of subsection (1) above, Free-standing Commercial Telecommunication Facilities shall meet, at a minimum, the following criteria:

(i) Potential adverse visual impacts which might result from project related grading or road construction shall be minimized.

(ii) Facility towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.

(iii) Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.

(iv) Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.

(v) Significant adverse impacts on biotic resources, including any threatened, rare or endangered species, shall be mitigated.

(vi) Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways. Structures and roads on slopes of 30% or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over 10%. Natural vegetation and topography shall be retained to the extent feasible.

(vii) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.

(viii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.

(ix) Upon abandonment or termination, the entire facility, including all equipment, towers, antennas, etc, shall be removed and the site restored to its pre-construction condition or other authorized use.

(x) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.

(xi) Facilities shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.

(xii) The facility operator and property owner are encouraged to make available unutilized space for future co-located or multiple-user telecommunication facilities, including space for those entities providing similar, competing services.

(xiii) All applications for zoning permits or use permits shall include a statement or other documentation that all owners of property within three hundred feet (300') of the subject property have been provided with a written notification of the filing of the application.

(xiv) An alternatives analysis (required for Major Free-standing Facilities in all districts and for Intermediate Free-standing Facilities in the AR, RR, R1, R2, R3, and PC districts with a UR or RR land use designation) shall include the following content:

(A) A topographic map of the proposed local service area which identifies the local network of facilities with which the proposed facility will connect.

(B) A small scale map of the applicable franchise area, which identifies the regional network of facilities with which the local network will connect.

(C) Identification of the following on the local topographic map:

i. All other existing telecommunication facilities, including those owned or operated by the applicant for the same type of service, and those which provide other wireless services which could potentially support the proposed facility.

ii. All other existing structures which might provide an opportunity for attached facilities.

iii. Lands which are zoned for commercial or industrial use.

iv. Lands which are designated as open space.

(D) Identification of any existing service gaps in the proposed local service area as well as any service gaps which may remain in the event that the proposed facility is approved and constructed.

(E) Identification of at least two alternative service plans which could provide comparable service to the intended service area. An explanation must be included if there are not at least two alternative plans. Alternatives which do not produce a minimum quality signal, or which would substantially interfere with another service do not need to be included.

(F) The alternatives should include a mix of service strategies which incorporate existing, attached, and/or other free-standing facilities. The alternatives analysis for a facility proposed within a designated scenic resource area and/or a residential zone (AR, RR, R1, R2, R3, or PC with a UR or RR